

1 ALSTON & BIRD LLP

2 Derin B. Dickerson, GA Bar #220620 (*Admitted pro hac vice*)

3 Caroline R. Strumph, GA Bar #250168 (*Admitted pro hac vice*)

4 Shanique C. Campbell, GA Bar #346659 (*Admitted pro hac vice*)

1201 West Peachtree Street

Atlanta, GA 30309-3424

Telephone: 404-881-7000

Email: derin.dickerson@alston.com

caroline.strumph@alston.com

shanique.campbell@alston.com

8 Kathleen Benway, DC Bar #474356 (*Admitted pro hac vice*)

9 Graham Gardner, DC Bar #1672612 (*Admitted pro hac vice*)

950 F Street, NW

Washington, DC 20004

Telephone: 202-239-3034

Email: kathleen.benway@alston.com

graham.gardner@alston.com

12 Lisa L. Garcia, CA Bar #301362 (*Admitted pro hac vice*)

13 350 South Grand Avenue, 51st Floor

14 Los Angeles, CA 90071

Telephone: 213-576-1147

Email: lisa.garcia@alston.com

16 *Attorneys for Defendant Grand Canyon Education, Inc.*

17 Steven M. Gombos, VA Bar #30788 (admitted PHV)

18 David A. Obuchowicz, VA Bar #82483 (admitted PHV)

19 Jacob C. Shorter, VA Bar #82638 (admitted PHV)

GOMBOS LEYTON, PC

11350 Random Hills Road #400

Fairfax, VA 22030

Telephone: (703) 934-2660

Email: sgombos@glpclaw.com

22 Paul D. Clement, VA Bar #37915 (admitted PHV)

23 Erin E. Murphy, VA Bar #73254 (admitted PHV)

Andrew C. Lawrence, MD Bar #1512160036 (admitted PHV)

24 Joseph J. DeMott, VA Bar #93981 (admitted PHV)

CLEMENT & MURPHY, PLLC

25 706 Duke Street

Alexandria, VA 22314

Telephone: (202) 742-8900

Email: paul.clement@clementmurphy.com

28 *Attorneys for Defendant Brian E. Mueller*

THE UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

Federal Trade Commission,

Plaintiff,

v.

Grand Canyon Education, Inc.;  
Grand Canyon University, Inc.; and  
Brian E. Mueller,

Defendants.

Case No. 2:23-cv-02711-PHX-DWL

Assigned to: Hon. Dominic W. Lanza

**DEFENDANTS' NOTICE FOR  
EXPEDITED CONSIDERATION OF  
MOTION TO EXTEND DISCOVERY  
CUTOFF AND MODIFY  
SCHEDULING ORDER**

**NOTICE FOR EXPEDITED CONSIDERATION**

Pursuant to the Court's Preliminary Order (ECF No. 13), Defendants Grand Canyon Education, Inc. ("GCE") and Brian Mueller hereby file this Notice of Expedited Consideration to request the Court's expedited consideration of its First Motion to Extend Discovery Cutoff and Modify Scheduling Order, which it files concurrently with this Notice. Given the proximity of the deadline to complete fact discovery under the Court's initial scheduling order (ECF No. 70) and the parties' meet and confer process which caused a delay in the issue being ripe for the Court's review, this request for expedited consideration is appropriate.

In support of its request for expedited consideration, Defendants state as follows:

1. Under the Court's September 23, 2024 Scheduling Order, the completion of fact discovery is May 15, 2025. *See* ECF No. 70.
2. On March 26, 2025, as part of the parties' efforts to meet and confer concerning GCE's responses to the FTC's discovery requests, and in light of the significant volume of documents implicated by those requests, GCE asked that the parties discuss an extension of the fact discovery deadline.
3. In its response to GCE's March 26 letter, the FTC did not address GCE's proposal to meet and confer regarding the extension of the fact discover deadline. Instead, on March 31, 2025 (the deadline under the operative Scheduling Order), the FTC served on GCE an additional 18 interrogatories, 11 requests for admission, and 9 additional requests for production. The FTC also served on Defendant Mueller an additional 6 Interrogatories and 3 Requests for Production.
4. On April 17, 2025, GCE sent a proposed amended schedule to the FTC and requested the FTC's response by April 22, 2025 in order to timely file a joint motion for a discovery extension.
5. The FTC refused to engage in a discussion regarding the proposed amended deadlines while the parties continued to meet and confer regarding certain of the FTC's substantive discovery requests. The FTC did not provide a counterproposal to the modified case

1 schedule until April 28, 2025.

- 2 6. GCE analyzed the FTC's counterproposal and the feasibility of meeting certain proposed  
3 deadlines in light of the volume of documents still to be reviewed and corresponding  
4 FERPA notices to be provided to GCU students. GCE responded to the FTC's modified  
5 schedule on May 2, 2025, and attempted to engage in good faith discussions with the FTC  
6 thereafter. Despite these attempts to reach an agreement concerning a proposed  
7 scheduling order, the FTC continued to demand that GCE agree to several interim  
8 deadlines for responses to its Requests for Production, which were outside the scope of  
9 the Court's Scheduling Order. After over a month of attempting to reach a consensus  
10 concerning a proposed schedule, the parties were unable to reach an agreement on a  
11 schedule sufficient to file a joint motion to extend the deadline for discovery.
- 12 7. Given that the close of fact discovery is less than one week from the date of this Notice,  
13 Defendants respectfully request the Court to consider their Motion to Extend Discovery  
14 Cutoff and Modify Scheduling Order in an expedited fashion.

15  
16  
17 Dated: May 7, 2025

Respectfully submitted,

18 **ALSTON & BIRD LLP**

19 /s/ Derin B. Dickerson

20 Derin B. Dickerson (*admitted pro hac vice*)

21 Kathleen Benway (*admitted pro hac vice*)

22 Lisa L. Garcia (*admitted pro hac vice*)

23 Caroline R. Strumph (*admitted pro hac vice*)

Shanique Campbell (*admitted pro hac vice*)

24 Graham Gardner (*admitted pro hac vice*)

25 *Attorneys for Defendant Grand Canyon*  
26 *Education, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this May 7, 2025, I caused to be electronically transmitted the attached document entitled **DEFENDANT GRAND CANYON EDUCATION, INC.'S NOTICE OF SERVICE OF NOTICE FOR EXPEDITED CONSIDERATION** to the Clerk of Court using the CM/ECF System, which will send notification of such filing and transmittal of a Notice of Electronic Filing to all registered CM/ECF users.

/s/ Derin B. Dickerson

Derin B. Dickerson